

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

Continental Resources
Buried Flow Line

Determination of NEPA Adequacy
DOI-BLM-MT-C020-2013-0019-DNA

For Further Information Please Contact:

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BLM



DATE POSTED: 10/14/2012

DATE DUE: 10/21/2012

Worksheet
Documentation of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

BLM Office: Miles City Field Office

NEPA Number: DOI-BLM-MT-C020-2013-0019-DNA

Case File/Project No: MTM94219

Proposed Action Title/Type: Install a buried flow line. Two Sundry Notices.

Location/Legal Description: T. 27 N., R. 55 E., Section 30, 31, 36, T. 26 N., R. 55 E., 06, 07 & T. 26 N., R. 54 E., Section 01, Richland County, MT

Table 1

Unit	Well Number	Pipeline Location	Surface Ownership	Pipeline(footages, bearing) (acres)
Wildcat	Mackie 1-19H	T27N R55E Sec. 19	BLM Private	2,587.2 x 50' S (3.0 acres) 23,601.6 x 50' S (27 acres)
Wildcat	Sherman1-1H	T26N R54E Sec. 1	BLM	2,660' x 50' E (3.0 acres)
Total Acres Disturbed:	---	---	---	Fee 33.0 acers/BLM 6 acres

A: Description of the Proposed Action: Continental Resources, Inc. requests approval to install a new gas pipeline and a new crude oil pipeline from the Mackie 1-19H south to the section 7 central tank battery and east from the Sherman 1-1H well tying into the Mackie line, extending south into section 7. The gas line will be a 10 inch poly line and the oil pipeline will be a 4" steel line. All lines would be buried 60 inches deep and the construction corridor would be 50 feet wide. The line would be installed along the existing access road. The proposed action would be on BLM and private surface. (Please see attached maps.)

A portion of the pipeline would be authorized through right-of-way MTM-103965 and temporary use permit MTM-103965-01. It would cross the following Federal lands (Public Domain):

T. 27 N., R. 55 E., Section 30: Lot 4 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
T. 26 N., R. 54 E., Section 1: Lot 1, Richland County, Montana, PMM.

This right-of-way (ROW) MTM-103965 would be 2,312.89 feet long, 50 feet wide, and consist of 2.65 acres, more or less. The temporary use permit (TUP) MTM-103965-01 would be 2,312.89 feet long, 75 feet wide, and consist of 3.98 acres, more or less. There would be 37.5 feet of the TUP located on both sides of the ROW area. The right-of-way and temporary use permit would be issued pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C.

185) and would be subject to the terms and conditions in 43 CFR 2800/2880, the terms and conditions and stipulations specified below, and mitigations set forth in the application. The standard stipulations for cultural and/or paleontological resource protection, hazardous materials, and toxic substances will be made a part of the right-of-way grants, as will the standard stipulations that all activities associated with the right-of-way will be conducted within the authorized limits of the grants. The applicant shall be responsible for weed control on disturbed areas within the limits of the rights-of-way. There will be no construction or routine maintenance when the soils are too wet. The appropriate seed mix will be used for reclamation. The stipulation to suspend or limit operations during periods of extreme fire is in effect. Only the minimum amount of vegetation will be removed and the appropriate seed mix will be used for reclamation. The rights-of-way would be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

The equipment that would be used would be a trencher that would make an 18" to 24" wide trench and a dozer blade to level the surface on needed areas such as undulating surface or side slopes. Vegetation removal from the proposed action would be kept at a minimum to allow existing vegetation to re-establish in disturbed area. Blading to mineral soil would only be permitted in areas where safety of crew and equipment is compromised. The estimated total acreage of disturbance on BLM administered land would be approximately seven acres. However, disturbance would be less since cutting/blading would not be allowed throughout the entire 50-foot corridor. Disturbed areas would be restored to original contours and reseeded with the species and rate of application as stated in the attached conditions of approval. Construction is proposed as soon as possible upon approval.

Applicant: Continental Resources, Inc.

County: Richland County, MT

DNA Originator: Rick Lang, Natural Resource Specialist

B. Land Use Plan (LUP) Conformance

LUP Name* Big Dry RMP/EIS Date Approved 4/96

Other document** DOI-BLM- MT-020-2011-102-EA Date Approved 02/2011

**List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)*

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions)

Big Dry RMP- Production and Development p. 321-325 and Record of Decision p. 13-15.

Encore Flow Line and Power Line Installation

DOI-BLM- MT-020-2011-102-EA

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation and monitoring report).

D. NEPA Adequacy Criteria

1. **Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?** The existing analyses are adequate with regard to the proposed action. The referenced EA analyzed impacts related to buried pipelines in the same geographic area. In addition, the RMP/EIS covers installation of pipelines. No significant new information or circumstances related to the proposed action have developed since completion of the referenced EA.
2. **Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values?** Yes, the referenced EA analyzed a range of reasonable alternatives, including "No Action".
3. **Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstance would not substantially change the analysis of the new proposed action?** The existing analyses are adequate with regard to the proposed action. No significant new information or circumstances related to the proposed action have developed since completion of the referenced EA.
4. **Are the direct, indirect and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?** Yes, the actions proposed would have the same direct and indirect impacts as those analyzed and addressed in the referenced EA. The RMP also analyzed the impacts of installation of pipelines.
5. **Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?** Yes, the public had the opportunity to review the referenced EA. In addition, the RMP/FEIS had public and interagency involvement and review while being prepared.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Bobby Baker	Wildlife Biologist	Wildlife	10/29/12 BJB
Doug Melton	Archaeologist	Cultural Report	11/08/12 DM Cultural Report MT-020-13-37
Dalice Landers	Realty Specialist	Lands/Realty	11/26/2012 DDL
Dan Benoit	Supervisory NRS	Reviewer	11/27/12 DAB



Environmental Coordinator

11/30/2012
Date

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.
See Conditions of Approval Below

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked



Todd Yeager
Field Manager
Miles City Field Office

12/05/2012
Date

CONDITIONS OF APPROVAL FOR BLM SURFACE

1. **To minimize effects to nesting migratory birds in the vicinity of the proposed action, no ground disturbing activities on BLM surface would occur from April 15 to July 15 or the option of pre-construction surveys performed by a qualified biologist would be required. If no nesting migratory birds are found approval would be granted by the bureau. If nesting birds are found, activities would be precluded until nesting is completed or allowed if nests could be avoided by the activity in a manner which would not result in nest abandonment.**
2. **Construction operations shall not be conducted from March 1 to June 15 to protect sharp-tailed grouse strutting and brood rearing activities.**
3. Notify BLM (Rick Lang, 406-233-3667) at least 48 hours before beginning construction work.
4. All construction activities and associated vehicle traffic shall be contained in the 50' wide disturbance corridor as proposed with the Sundry Notice. Any variation from the approved route must be approved in advance by this office.
5. Vegetation removal from the proposed pipeline corridor shall be kept to a minimum to allow existing vegetation to re-establish in disturbed area. Blading to mineral soil is only allowed in areas where it is necessary to construct a level surface for equipment to operate.
6. Topsoil shall be removed before blading and stockpiled for reclamation.
7. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
8. At drainage crossings, the pipeline shall be installed perpendicular to the drainage and banks must be reduced to maximum 3:1 slopes.
9. Erosion control measures, such as water bars or matting, shall be installed on 3:1 or steeper slopes or on slopes with bare soil.
10. The pipeline shall be tested for leaks before backfilling the trench.
11. Immediately following the pipeline testing, the open trench shall be backfilled and properly compacted to prevent settling, especially in drainage bottoms. Drainages shall be restored to their original grade and left in free-flowing condition. Topsoil shall be spread evenly over the disturbed area after the trench has been backfilled and compacted.
12. The pipeline corridor shall be cleaned up of all debris, material and equipment after completion of the construction activities.
13. All abandoned surface pipelines shall be removed and disposed of properly. All abandoned buried pipelines shall be purged with fresh water and plugged at least 3' below ground level. Oil, oily waste , hydrocarbons, salt water or other fluids harmful to the

environment which might be present in the abandoned pipeline shall not be spilled onto the ground during purging operations and must be properly disposed of.

14. All disturbed areas shall be recontoured to the original contours with proper drainage established and seeded with the following requirements. Certified weed seed free mulch must be crimped into the soil at a rate of 1 ton per acre before seeding. All disturbed areas on BLM surface shall be seeded after October 1 (before ground freezes) or prior to May 15 (after ground thaws) at 6" drill row spacing at a depth of ¼" to ½" with the following mixture:

Combination must include at least four of the following species:

<u>Species</u>	<u>lbs/acre, pure live seed</u>
Western wheatgrass*	3.0
<i>Pascopyrum smithii, variety Rosanna</i>	
Green needlegrass	2.0
<i>Stipa viridula, variety Lodom</i>	
Slender wheatgrass	2.0
<i>Elymus trachycaulus ssp. trachycaulus, variety Pryor</i>	
Needleandthread	1.0
<i>Stipa comata</i>	
Bluebunch wheatgrass	2.0
<i>Pseudoroegneria spicata ssp. spicata, variety Goldar</i>	
Sideoats Grama	2.0
<i>Bouteloua curtipendula</i>	
Little bluestem	2.0
<i>Schizachyrium scoparium</i>	

*Shall be included in the mix. Thickspike wheatgrass may be substituted for wheatgrass only when western wheatgrass is unavailable.

15. Reclamation work will be considered successful when the seeded area is stabilized, potential water erosion is effectively controlled and the vegetative cover is established with at least 60% of the species required.
16. The operator is responsible for the suppression of any fires started as a result of operations. The contractor must have the necessary equipment, including fire extinguishers or water, to provide initial suppression of fire.
17. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is immediately to stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days, the AO will inform the operator as to:
- a) whether the materials appear eligible for the National Register of Historic Places;
 - b) the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - c) a timeframe for the AO to complete an expedited review under 35 CFR

800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

18. The Operator shall be responsible for control of noxious weeds occurring as a result of lease operations. The BLM shall be responsible for approval of the weed control program.

RIGHT-OF-WAY STIPULATIONS

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on

polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

9. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

10. The holder shall design and construct adequate water-control structures in each drainage crossing to prevent excessive erosion along the pipeline and protect the pipeline from the natural erosion process within the drainage.

11. Prior to any discharge, hydrostatic testing water will be tested and processed, if necessary, to ensure that the water meets local, State or Federal water quality standards. Prior to discharge of hydrostatic testing water from the pipeline, the holder shall design and install a suitable energy dissipater at the outlets, and design and install suitable channel protection structures necessary to ensure that there will be no erosion or scouring of natural channels within the affected watershed as a result of such discharge. The holder will be held responsible for any erosion or scouring resulting from such discharge. Sandbags, rock, or other materials or objects installed shall be removed from the site upon completion of hydrostatic testing.

12. If during any phase of the construction, operation, or termination of the pipeline or related facilities any oil or other pollutant should be discharged from the pipeline system, or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or

affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

13. No surface disturbance or construction activity will be allowed within 50 feet of streams if flowing or anticipated to flow at the time of construction which shall be clearly marked as specified by the authorized officer. Any deviation from this requirement shall have the prior written approval of the authorized officer. Spoils will not be placed within the streambed or stream banks.

14. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.

15. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to insure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (clayey) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of the following species including Western wheatgrass:

<i>Species of Seed</i>	<i>(Variety)</i>	<i>Common Name</i>	<i>Pounds/acre (PLS)</i>
<u>Pascopyrum smithii</u>	(Rosanna)	Western wheatgrass*	3.00
<u>Pseudoroegneria spicata</u>	(Goldar)	Bluebunch wheatgrass	2.00
<u>Stipa viridula</u>	(Lodom)	Green needlegrass	2.00
<u>Elymus trachycaulus</u>	(Pryor)	Slender wheatgrass	2.00
<u>Stipa comata</u>		Needleandthread	1.00
<u>Bouteloua curtipendula</u>		Sideoats Grama	2.00
<u>Schizachyrium scoparium</u>		Little bluestem	2.00

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

*Shall be included in the mix. Thickspike wheatgrass may be substituted for wheatgrass only when western wheatgrass is unavailable.

16. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

17. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

18. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this pipeline is Covert Green.

19. Within 60 days after placing the pipeline in service, the holder will submit to the Authorized Officer (AO), as-built drawings and a certification of construction verifying that the facility has been constructed (and tested) in accordance with design, plans, specifications, and applicable laws and regulations.

20. Construction activity and surface disturbance will be prohibited during the period from March 1 to June 15 for the protection of sharp-tailed grouse strutting and brood rearing activities.

21. Construction activity and surface disturbance will be prohibited during the period from April 15 to July 15 for the protection of migratory bird nesting activities.

You have the right to request a State Director Review (SDR) of this decision pursuant to 43 CFR 3165.3(b). An SDR request, including all supporting documentation, must be filed with the Montana State Office, State Director (MT-920) at 5001 Southgate Drive, Billings, Montana

59101-4669 within 20 business days of your receipt of this decision. If you are adversely affected by the State Director's decision, it can be further appealed to the Interior Board of Land Appeals (IBLA) in Washington D.C. pursuant to 43 CFR 3165.4, 43 CFR 4.411, and 43 CFR 4.413. Should you fail to timely request an SDR, or after receiving the State Director's decision, fail to timely file an appeal with the IBLA, no further administrative review of this decision will be possible.